

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARLOS TORRES,

Petitioner,

vs.

No. CIV 24-0347 JB/GJF

ATTORNEY GENERAL OF
THE STATE OF NEW MEXICO, and
WARDEN R. OTERO,

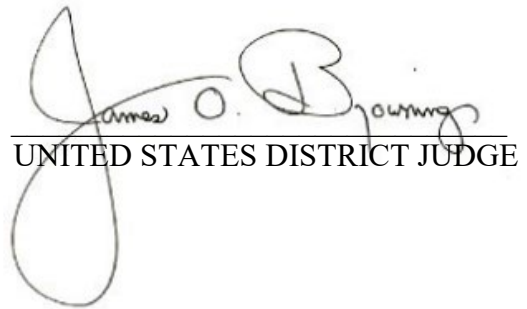
Respondents.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on: (i) the Petitioner’s Application for Leave to Proceed in Forma Pauperis, filed April 11, 2024 (Doc. 2)(“Application”); and (ii) the Petitioner’s Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, filed May 17, 2024 (Doc. 5)(“Motion”). Petitioner Carlos Torres is incarcerated and proceeding pro se. See Amended Petition for Writ of Habeas Corpus at 1, filed April 11, 2024 (Doc. 6)(“Habeas Petition”). Torres seeks to prosecute his Habeas Petition without prepaying the five-dollar habeas filing fee. Application at 2; Motion at 1. The Court may grant such relief only where an inmate’s “affidavit [and] . . . statement of . . . assets [demonstrates] that the [inmate] is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). Torres’ inmate financial statement reflects a balance of \$199.72. See New Mexico Corrections Department, Otero County Prison Facility Statement of Account at 2 (dated April 3, 2024), filed April 11, 2024 (Doc. 2). The Court concludes that Torres can afford to prepay the five-dollar habeas filing fee and therefore must deny the Motion. Torres shall pay the five-dollar habeas filing fee within thirty days of this Memorandum Opinion and Order’s entry. The failure to comply timely with this Memorandum

Opinion and Order will result in the dismissal of this action without further notice.

IT IS ORDERED that: (i) the Court denies the Petitioner's Application for Leave to Proceed in Forma Pauperis, filed April 11, 2024 (Doc. 2); (ii) the Court denies the Petitioner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, filed May 17, 2024 (Doc. 5); and (iii) the Petitioner must submit the five-dollar habeas filing fee within thirty days from entry of this Memorandum Opinion and Order.



UNITED STATES DISTRICT JUDGE

Parties:

Carlos Torres

Petitioner pro se